



**THE ATTORNEY GENERAL
OF TEXAS**

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AUSTIN 11, TEXAS

March 12, 1963

Honorable J. W. Edgar
Commissioner of Education
Austin, Texas

Opinion No. C-35

Re: Can either a single or a consolidated common school district be converted into a rural high school district under Articles 2922a-2922c, Vernon's Civil Statutes, or any other school law?

Dear Dr. Edgar:

You have written asking if a County School Board, under the authority of Articles 2922a-2922c, Vernon's Civil Statutes, or any other school law, may convert either a single or a consolidated common school district into a rural high school district.

The relevant portions of Article 2922a provide:

"In each organized county in this state, and in any county which shall hereafter be organized, the county school trustees shall have the authority to form one or more rural high school districts, by grouping contiguous common school districts having less than four hundred (400) scholastic population and independent school districts having less than two hundred fifty (250) scholastic population, for the purpose of establishing and operating rural high schools; provided, also, that the county school trustees may annex one or more common school districts or one or more independent school districts having less than two hundred fifty (250) scholastic population to a common school district having four hundred (400) or more scholastic population, or to an independent district having two hundred fifty (250) or more scholastic population. . . ." (Emphasis ours).

Article 2922c reads as follows:

"No rural high school district, as provided for herein, shall contain a greater area than one hundred square miles, or more than ten elementary school districts, except

that the county school board of school trustees may form rural high school districts, as provided in Article 2922a, containing more than one hundred square miles, upon a vote of a majority of the qualified electors in the said proposed rural high school district voting at an election called for such purpose; and provided further, that the said board of county school trustees may form a rural high school district containing more than ten elementary districts upon a vote of a majority of the qualified voters in each of the elementary districts within such proposed rural high school district."

The leading case construing these statutes is State v. School Trustees of Shelby County, 150 Tex. 238, 239 S.W.2d 777 (1951). It construes Article 2922a to provide two methods of strengthening and improving rural schools:

- (1) creation of rural high school districts through "grouping" and
- (2) strengthening existing common and independent districts through annexation.

In construing Article 2922c, the Court held:

"This article does not purport to confer on boards of county school trustees the power to create rural high school districts. It is but a limitation on the power conferred under the first part of Article 2922a, with exceptions to the limitation. Bell v. Ditmore, Tex.Civ. App., 38 S.W.2d 397."

Thus, we can find no language within either Article 2922a or Article 2922c, which would authorize the County School Board to convert a common school district, either single or consolidated, into a rural high school district.

An examination of the other school laws reveals that under Article 2742j, Vernon's Civil Statutes, a common school district may be converted into an independent school district. Similarly, Article 2922L (5), Vernon's Civil Statutes, authorizes the conversion of a rural high school district into an independent school district. However, we can find no statute authorizing the conversion of an existing common school district, whether single or consolidated, into a rural high school district.

SUMMARY

An existing common school district, either single or consolidated, cannot be converted into a rural high school district.

Yours very truly,

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APPROVED:
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